

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GARY DIAZ,

Plaintiff,

v.

UNIQUE MANAGEMENT SERVICES,
INC.,

Defendant.

Case No. 2:11-CV-01680-KJD-VCF

ORDER

On November 1, 2011, Magistrate Judge Cam Ferenbach issued a Report and Recommendation (#2) that Plaintiff's Application to Proceed *In Forma Pauperis* (IFP) be denied and that Plaintiff pay the full filing fee no later than November 30, 2011. Plaintiff filed objections (#3) to the Report and Recommendation. On January 24, 2012, the Court adopted and affirmed (#8) the report and recommendation and ordered Plaintiff to pay the filing fee, or alternatively, based on his asserted change in financial circumstances, file a new IFP application no later than February 8, 2012.

On February 9, 2012, Plaintiff filed a new Application (#9). On March 2, 2012, Judge Ferenbach denied (#15) the Application and ordered Plaintiff to pay the full filing fee no later than March 19, 2012, or voluntarily stipulate to dismiss the present action without prejudice. Plaintiff failed to pay the filing fee or file a stipulation.

1 The Magistrate Judge then issued a Report and Recommendation (#16) recommending that
2 Plaintiff's complaint be dismissed without prejudice because Plaintiff failed to pay the filing fee in
3 accordance with the Court's Order (#15). Objections to the findings and recommendation were due
4 no later than April 16, 2012. Payment of the full filing fee was due no later than March 19, 2012.

5 More than the allotted time has elapsed and plaintiff has not paid the filing fee or filed
6 objections. Accordingly, this action will be dismissed for failure to comply with the court's order.

7 Accordingly, **IT IS HEREBY ORDERED** that the Report and Recommendation (#16) of
8 the United States Magistrate Judge entered March 29, 2012, is **ADOPTED** and **AFFIRMED**;

9 **IT IS FURTHER ORDERED** that Plaintiff's complaint is **DISMISSED without**
10 **prejudice** for failure to comply with the Court's order to pay the filing fee.

11 DATED this 17th day of April 2012.

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15 Kent J. Dawson
16 United States District Judge
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